

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**DECLARATION OF THOMAS SKAGERSTEN**

APPLICANTS: Maria Torpo et al.                      GROUP ART UNIT: 3766  
SERIAL NO. : 10/562,302                      EXAMINER: Luther G. Behringer  
FILED: December 22, 2005                      CONFIRMATION NO.: 3792  
TITLE: APPARATUS FOR DETECTING DIASTOLIC HEART FAILURE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

S I R:

I, THOMAS SKAGERSTEN, declare and state as follows:

1. I am the director the Patent Department of the Cardiac Rhythm Management Division of St. Jude Medical AB, Järfälla, Sweden. St. Jude Medical AB is the Assignee of the above-referenced application.

2. I was not a member of the St. Jude Medical AB Patent Department at the time the two Invention Disclosures attached hereto as Exhibit "A" and Exhibit "B" were received by the Patent Department at St. Jude Medical AB on September 17, 2003, but I have reviewed the files maintained with the St. Jude Medical AB Patent Department for the present United States application and the previously-filed corresponding Swedish application and PCT application.

3. It is now, and was contemporaneously with September 17, 2003, the standard procedure within the St. Jude Medical AB Patent Department to maintain all Invention Disclosures confidential. I have confirmed that the Invention Disclosures that are attached hereto as Exhibit "A" and Exhibit "B", prior to submission of copies thereof

to the United States Patent and Trademark Office on February 20, 2009 had never been publicly known outside of St. Jude Medical AB.

4. The Invention Disclosures that are attached hereto as Exhibits "A" and "B" were reviewed by Per Erik Watz on October 1, 2003, as indicated by the signature and date entered by Mr. Watz on the first page of each Invention Disclosure. Per Erik Watz was at that time the director of the St. Jude Medical AB Patent Department, and is now retired.

5. A Swedish application was diligently prepared within the St. Jude Medical AB Patent Department based on the Invention Disclosures that are attached hereto as Exhibit "B", and was filed in Swedish on May 6, 2004, as evidenced by the certified copy of the priority document that has been previously filed in connection with the above-referenced application.

6. The period of time between the submission of the Invention Disclosures on September 17, 2003 and the filing of the Swedish application on May 6, 2004 conforms to the normal and conventional amount of time needed for the preparation of a patent application based on an Invention Disclosure in the St. Jude Medical AB Patent Department, with the preparation of the application proceeding normally within the queue of other applications-in-preparation within the St. Jude Medical AB Patent Department. This includes the time frame between September 17, 2003 and November 7, 2003, during which such diligence occurred.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this verified statement is directed.

DATE: September 1, 2009

  
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THOMAS SKAGERSTEN